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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,061	02/01/2000	Masaru Sudo	00048/LH	5663

7590

07/12/2004

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EXAMINER

AN, SHAWN S

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/496,061

Applicant(s)

SUDO ET AL.

Examiner

Shawn S An

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. As per Applicant's instruction in Paper 7 as filed on 4/23/04, claims 27-45 have been newly added and claims 1-26 have been canceled.

Response to Remarks

2. Applicant's arguments with respect to added claims as above have been carefully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 27, 36-37, and 40-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Noguchi (4,924,856).

Regarding claims 27, 36, 41, and 42, Noguchi discloses an endoscope image sensing apparatus/method, comprising:

an image sensing section (Fig. 5, CCD, 31A) for obtaining an image signal, and outputting the image signal;

a color separation (matrix) circuit (Fig. 8, 61B) for separating the image signal into a luminance component and a chrominance component to generate a luminance signal (Y) and a color difference signal (R-Y, B-Y);

a conversion matrix section (Fig. 8, 69) for performing a matrix computation to convert the luminance and color difference signals output from color separation circuit (61B) into three primary color signals (R,G,B);

a switch provided to be operable by a user (Fig. 1, 49; Fig. 30, 502; col. 2, lines 3-16); and

a control section for changing and setting a coefficient corresponding to a kind of the light source lamp based on a signal from the switch (col. 3, lines 35-42).

Regarding claim 37, Noguchi discloses the switch being provided on a front panel of the apparatus so as to be hand operated by the user (col. 20, lines 26-33).

Regarding claim 40, Noguchi discloses a display section for displaying a mode set by the control section (7), wherein when a mode corresponding to the kind of the light source lamp is selected by the switch, the display section responds (col. 20, lines 26-33).

Regarding claim 43, Noguchi discloses a plurality of settings associated with the matrix computation in advance, and changing a setting of the matrix computation based on a desired setting selected from a plurality of stored settings (Fig. 10, 78-80).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 28-35, 38-39, and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi (5,032,913) in view of Kikuchi et al (5,408,263).

Regarding claims 28 and 44, Noguchi discloses the color matrix section including a color adjustment section for performing color adjustment processing (Fig. 10, 80).

Noguchi does not seem to disclose a setting changes associated with conversion based on a gain coefficient set when the color adjustment processing is performed.

However, Kikuchi et al teaches a setting changes associated with conversion based on a gain coefficient set when the color adjustment processing is performed (col. 30, lines 43-48).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing an endoscope image sensing apparatus/method as taught by Noguchi to incorporate the teachings as above as taught by Kikuchi et al for generating an optimal matrix constant corresponding to a color conversion signal, thereby efficiently converting image signals in accordance with the kind of light source lamp.

Regarding claims 30 and 38, Noguchi does not seem to disclose a storage section in which a plurality of settings associated with the matrix computation are stored in advance; and

a control section for changing the setting the coefficient by selecting one of the plurality of coefficients stored in the storage section in accordance with the kind of light source lamp which is selected by the selection switch.

However, Kikuchi et al teaches a storage section (Fig. 24) in which a plurality of settings associated with the matrix computation are stored in advance; and

a control section (Fig. 22) for changing the setting by selecting one of the plurality of settings stored in the storage section in accordance with the kind of light source lamp which is selected by the selection switch.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing an endoscope image sensing apparatus/method as taught by Noguchi to incorporate the teachings as above as taught by Kikuchi et al for generating a matrix constant corresponding to a color conversion signal, thereby efficiently converting image signals in accordance with the kind of light source lamp.

Regarding claims 29, 31, 33, and 35, Noguchi discloses an image sensing device comprising a color CCD (Fig. 5, CCD, 31A).

Regarding claim 32, Kikuchi et al discloses a setting changes associated with conversion based on a gain coefficient set when the color adjustment processing is performed (col. 30, lines 43-48).

Regarding claims 34 and 45, Noguchi discloses white balance processing, and the color adjustment processing section comprises a white balance processing section (Fig. 10, 80).

Regarding claim 39, Kikuchi et al discloses a storage section comprising a ROM (Fig. 33, 126).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

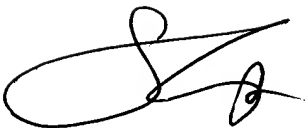
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **Shawn S An** whose telephone number is 703-305-0099. The Examiner can normally be reached on Flex hours (10).

9. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SSA

Primary Patent Examiner

7/7/04